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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/700,297	10/31/2003	T. William Hutchens	016866-001514	2693	
20350 7	11/16/2005		EXAMINER		
	AND TOWNSEND	ALEXAND	ALEXANDER, LYLE		
TWO EMBAR	CADERO CENTER				
EIGHTH FLO	OR		ART UNIT	PAPER NUMBER	
SAN FRANCI	SCO, CA 94111-3834		1743		

DATE MAILED: 11/16/2005

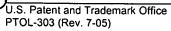
Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/700,297	HUTCHENS ET AL.		
Examiner	Art Unit		
Lyle A. Alexander	1743		

	Lyle A. Alexander	1743				
The MAILING DATE of this communication appe	ars on the cover sheet with the o	orrespondence add	ress			
THE REPLY FILED 03 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.						
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff tice of Appeal (with appeal fee) in (fidavit, or other evider compliance with 37 C	ice, which FR 41.31; or (3)			
a) The period for reply expires 3 months from the mailing date	of the final rejection.					
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THE 06.07(f).	g date of the final rejecti E FIRST REPLY WAS F	on. ILED WITHIN			
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b)	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropri	ate extension fee ce action: or (2) as			
NOTICE OF APPEAL The Notice of Appeal was filed on A brief in compfiling the Notice of Appeal (37 CFR 41.37(a)), or any extean Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since			
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered b	ecanse .			
(a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE belo (c) ☐ They are not deemed to place the application in be	nsideration and/or search (see NO w);	TE below);				
appeal; and/or			me issues ior			
(d) They present additional claims without canceling a	· · · · · · · · · · · · · · · · · · ·	ected claims.				
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1 4. The amendments are not in compliance with 37 CFR 1.1			(DTOL 204)			
 The amendments are not in compliance with 37 CFR 1.1 Applicant's reply has overcome the following rejection(s) 		ompliant Amendment	(PTOL-324).			
 Newly proposed or amended claim(s) would be a non-allowable claim(s). 		timely filed amendme	ent canceling the			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>none</u> . Claim(s) objected to: <u>none</u> . Claim(s) rejected: <u>74-109</u> .	⊠ will not be entered, or b) □ wi vided below or appended.	II be entered and an e	explanation of			
Claim(s) withdrawn from consideration:						
 AFFIDAVIT OR OTHER EVIDENCE The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 	nt before or on the date of filing a N d sufficient reasons why the affidav	otice of Appeal will <u>nc</u> vit or other evidence is	ot be entered s necessary and			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fai ee 37 CFR 41.33(d)(ls to provide a			
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER						
11. The request for reconsideration has been considered by	t does NOT place the application in	n condition for allowar	nce because:			
 12. ☐ Note the attached Information Disclosure Statement(s). 13. ☐ Other: See Continuation Sheet. 	(PTO/SB/08 or PTO-1449) Paper N	Vo(s)				
		Lyle A Alexander				
		Primary Evaminer				

Primary Examiner Art Unit: 1743



Continuation of 3. NOTE: The proposed amendmets raise new issues that would required futher search and consideration.

Continuation of 13. Other: Applicants' suggestion will be taken to apply the 5,547,835 patent instead of the cited 5,605,798 patent upon futher appeal. The Tang et al. reference was considered but is not prior art because of the later 2995 publication date..